IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14211 of 2005

Between:

Sudula Venkaiah, S/o. Veeraiah,
R/o. Tummala Nagar, Gundala Gram Panchayat, Bhadrachalam Mandal, Khammam District.

..... PETITIONER

AND

The Mandal Revenue Officer, Bhadrachalam, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in trying to dispossess and demolish the petitioner's house situated within the boundaries East : Land of K.Das, West : G.P. Road, North : Tummalanagar Colony, South : Donka to an extent of Ac.2.00 of Sy.No. 1/2 of Gundala Village of Bhadrachalam Mandal, Khammam District, without issuing any notice or proceedings is illegal and void and opposed to Articles 14, 19, 21 and 300-A of the Constitution of India and consequently to direct the Respondent not to take action against the petitioners house in question without due process of law.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondent: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the respondent in trying to dispossess the petitioner by demolishing the house of the petitioner situated within the boundaries East: land of K. Das, West: G.P. Road, North: Tummalanagar Colony, South: Donka, to an extent of Ad.2-00 of Sy.No.1/2 of Gundala village of Bhadrachalam Mandal, Khammam District, without issuing any notice or proceedings as illegal and arbitrary.

It is stated that the fore fathers of the petitioner occupied the land to an extent of Ac.2-00 of Sy.No.1-2 of Gundala Village of Bhadrachalam Mandal, Khammam District, which was full of bushes and other trees at that time, and cleared of the same and brought the land into cultivation by raising agricultural crops. After them, the petitioner is in occupation of the same for the last 4 ½ decades. While so, at the instance of the local leaders, the respondent is trying to dispossess him by demolishing his house including small huts in the land-in-question. Then, the petitioner approached the respondent

requesting to follow the procedure prescribed in law before taking any steps of demolition. However, the respondent failed to consider his request. Moreover, on 28-06-2005, the respondent and his staff asked the petitioner to vacate the land-in-question within three days, otherwise, threatened that they would dispossession him. Hence, the writ petition.

The learned counsel for the petitioner submits that the respondent, without following the procedure prescribed in law, highhandedly trying to dispossess the petitioner from the land-in-question.

The leaned Government Pleader for Revenue appearing for the respondents contends that the petitioner is in illegal occupation of the land-in-question.

In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondent to follow due process of law while initiating any action against the petitioner.

The writ petition is accordingly disposed of directing the respondent to follow due process of law while taking any action against the petitioner. However, it is made clear that till such time, the petitioner is at liberty to continue in possession of the land-in-question. No costs.

(ELIPE DHARMA RAO, J)

Date:04-07-2005

Note:

Issue operative portion, by wire, at party's costs.

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To

1 The Mandal Revenue Officer, Bhadrachalam, Khammam District.

2 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

3 Two CD copies.